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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bertrand Wendling

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

05/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/537,178	<b>Applicant(s)</b> WENDLING, BERTRAND	
	<b>Examiner</b> JULIO R. PEREZ	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vouri (US 20050286689A1) in view of Candelore (US006057872A ).

Regarding claims 1, 9, Vouri discloses distribution of a message from a message administration service to a subscriber receiver decoder of a digital multimedia network, the method comprising: transferring a determined message for a determined receiver decoder from the message administration service to a point to point communication system distinct from the multimedia network (Figure 3, #'s 72, 90, 59, 68, 78, show the receiver of the mobile phone, a service message system and a mobile network in separate locations, and which conforms to passing messages; par. 38, lines 1-20, par. 39); corresponding to the determined receiver decoder (Figure 2, #'s 34, 35; Figure 3, #'s 72, 90; mobile user possesses decoder), buffering the determined message in the point to point communication system (par. 40, lines 10-23; par. 43, lines 6-16, show a service center to store messages to send to subscribers), retrieving at the determined

receiver decoder the determined message from the receiver (pars. 44-46, describe the receiver or user able to retrieve messages).

What Vouri does explicitly disclose is the determined message comprising an Entitlement Management Message (EMM), determining a destination point address of a receiver in the point to point communication system.

Candelore discloses transmitting promotional messages in a communication network to subscriber terminals, thus receivers (col. 7, lines 30-37; col. 8, lines 1-col. 8, lines 1-6; col. 13, lines 1-7; col. 13, lines 65-67; col. 14, lines 25-44, and wherein the messages are addressable, which reads on destination point address of receiver,; i.e., col. 5, lines 45-55).

It would have obvious to one of skilled in the art at the time of the invention to modify Vouri, such that the determined message comprising an Entitlement Management Message (EMM), determining a destination point address of a receiver in the point to point communication system, to provide the messages to subscriber terminals with high security mechanisms and efficiency.

Regarding claim 2, the combination discloses claim 1, further comprising: buffering the determined message at an emitter point in the point to point communication system (Vouri, Figure 3, #'s 59, 56, 68), corresponding to the message administration service (Vouri, Figure 3, #'s 59, 50, 52), generating a signal of availability at the receiver (Vouri, Figure 3, #'s 50, 52, 68, 72, 90), triggering for emission for the determined message on reception of the signal of availability, emitting the determined message to the receive (Vouri, Figure 3, #'s 50, 52, 54, 56, 68; pars. 38-39) .

Regarding claim 3, the combination discloses claim 1, further comprising receiving at the receiver the determined message, buffering at the receiver the determined message (Vouri, Figure 1, #'s 2, 3, 4, message received and heard, thus retrieved).

Regarding claim 4, the combination discloses claim 1, further comprising: generating a confirmation of receipt at the receiver, emitting the confirmation of receipt to the emitter point (Vouri, pars. 38-39, 41, 42).

Regarding claim 5, the combination discloses claim 4, in which the confirmation of receipt comprises one or a plurality of items of additional information from the following set: a status of the receiver decoder, a status of a daughter smartcard used with the receiver decoder, a version number of an element of the receiver decoder (Candelore, Figure 7A, #'s 770, 780, describes the user prompted for requests, thus providing confirmation of received message).

Regarding claim 6, the combination discloses claim 5, further comprising: extracting an item of additional information from the confirmation of receipt, evaluating the item of additional information to determine a legal status of the receiver decoder (Candelore, Figure 7, #'s 705-720; col. 1, lines 41-67; col. 12, lines 1-29).

Regarding claim 7, the combination discloses claim 1, in which the point to point communication system is a mobile phone network (Vouri, Figure 3, #'s 56, 80, 66, show a mobile network for passing messages to users).

Regarding claim 8, the combination discloses claim 1, the message administration service being comprised in a Subscriber Authorization System (Vouri,

Figure 3, #'s 56, 82, 80, show a distribution system and administration of messages via service centers, #'s 52, 50).

Regarding claim 10, the combination discloses claim 9, further comprising retrieving the EMM from the storage into the determined receiver decoder (Candelore, col. 7, lines 30-37; col. 8, lines 1-col. 8, lines 1-6; col. 13, lines 1-7).

3. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vouri (US 20050286689A1) in view of Candelore (US006057872A ).

Regarding claim 11, Vouri discloses a receiver decoder for a digital multimedia network, the receiver decoder comprising: a mobile phone modem operatively connected to the receiver decoder (Figure 2, #'s 34, 35; Figure 3, #'s 72, 90; mobile user possesses decoder), a destination point address uniquely attributed to the mobile phone modem (par. 40, lines 10-23; par. 43, lines 6-16, show a service center to store messages to send to subscribers).

What Vouri does not explicitly disclose is , a storage space in the mobile phone modem to store at least an Entitlement Management Message.

Candelore discloses transmitting promotional messages in a communication network to subscriber terminals, thus receivers, to retrieve for usage (col. 7, lines 30-37; col. 8, lines 1-col. 8, lines 1-6; col. 13, lines 1-7; col. 13, lines 65-67; col. 14, lines 25-44, and wherein the messages are addressable, which reads on destination point address of receiver,; i.e., col. 5, lines 45-55).

It would have obvious to one of skilled in the art at the time of the invention to modify Vouri, such that , a storage space in the mobile phone modem to store at least

an Entitlement Management Message, to provide the messages to subscriber terminals with high security mechanisms, when users retrieve messages for usage.

Regarding claim 12, the combination discloses claim 11, wherein the mobile phone modem may receiver the EMM from the mobile phone network and store the EMM independent of a status of the receiver decoder (Candelore, col. 7, lines 30-37; col. 8, lines 1-col. 8, lines 1-6; col. 13, lines 1-7).

Regarding claim 13, the combination discloses claim 2, further comprising: receiving at the receiver the determined message, buffering at the receiver the determined message (Vouri, par. 40, lines 10-23; par. 43, lines 6-16, shows a service center to store messages to send to subscribers).

Regarding claims 14, 15, the combination discloses claim 2, further comprising: generating a confirmation of receipt at the receiver, emitting the confirmation of receipt to the emitter point (Vouri, pars. 38-39, 41, 42).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio R Perez/  
Examiner, Art Unit 2617

5/15/08

/Duc Nguyen/  
Supervisory Patent Examiner, Art Unit 2617